

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14400 of James F. Holder and Samuel Stancil, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3105.3) to use the premises as a barber shop in an HR/R-5-D District at premises 611 K Street, N.W., Square 451, Lot 2.

HEARING DATE: March 12, 1986

DECISION DATE: March 12, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the north side of K Street, between 6th and 7th Streets and is known as premises 611 K Street, N.W. The site is located in an HR/R-5-D District.

2. The site is rectangular in shape with a frontage of 18.5 feet along K Street and a depth of 80 feet. A ten foot wide public alley is adjacent to the rear and east side of the site.

3. The site is improved with a two story structure with basement. The size of each floor is 960 square feet. The structure occupies approximately 90 percent of the lot.

4. The R-5-D District extends to the north, east and west of the site. The square adjacent to the subject square to the east is in a C-2-B District. Across K Street, to the south of the site, is a SP District.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations the applicants are seeking a variance from the use provisions to use the structure as a barber shop.

6. The applicants are currently operating the barber shop at the site without a valid certificate of occupancy. The barber shop the applicants previously operated was located at the corner of 12th and I Streets, N.W. approximately three and a half blocks from the present site. When the applicants were forced to relocated, they selected the present site assuming it was an appropriate site for a commercial use.

7. The current certificate of occupancy, dated November 18, 1970, is for use of the site, first floor as a church seating less than 66 persons. The prior certificate

of occupancy, dated April 25, 1967, was for the use of the first floor as a funeral home.

8. The structure was built in 1890 for commercial uses. There is no evidence to suggest that it has ever been used for residential purposes. There are no kitchens in the structure.

9. On December 8, 1972, the Zoning Commission changed the zoning of the square to R-5-D. Subsequently, the Commission adopted the HR overlay zone.

10. The intent of the zoning amendment was to encourage high density residential and hotel development in accordance with the Downtown Urban Renewal Plan in proximity to the future Metro station at 7th and M Streets, N.W. and the Convention Center.

11. Many of the uses in existence at the time of the 1972 rezoning have remained in this square and continue to operate. There are no residential uses in the subject square.

12. An abandoned garage is adjacent to the site to the east. To the west is a wholesale flower shop, followed by an auto repair garage, an office building, a warehouse and a light fixture store. Uses in the northern portion of the square include a restaurant, auto brake repair shop, additional office space and a lot for car sales. Across the street from the site is the American Security Bank.

13. The basement and first floor of the structure will be used for the barber shop/stylist operation. The second floor will be used for storage.

14. Ten salon operators will be employed on the premises. Hours of operation will be from 8:00 A.M. to 6:30 P.M. Tuesday through Saturday, Sunday 8:00 A.M. to 1:00 P.M. The shop will be closed on Mondays.

15. Most of the shop's clients work in the government agencies in the area of the site. They became clients of the applicant's at their last business site. They generally walk to the shop. The subway is two blocks away from the site. Clients primarily arrive by appointment. Seventy percent of the clients are women and thirty percent are men.

16. Public parking is available across the street from the site. The applicant parks at this site. Employees of the shop carpool to work.

17. Trash is removed from the site by a private contractor. Deliveries are made to the front of the structure.

18. There was no opposition to the application at the public hearing or of record.

19. ANC 2C filed no report on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking a use variance, the granting of which requires a showing of undue hardship upon the owner of the subject premises arising out of some unique or exceptional condition in the property so that the property cannot reasonably be used for the purposes for which it is zoned. The Board must further find that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps.


The Board concludes that the applicant has provided sufficient proof to establish an undue hardship inherent in the property. The property is affected by an extraordinary situation based on the existing physical improvements and its location in an area dominated by commercial uses and not likely to be developed with R-5-D uses in the near future. An exceptional situation does exist based on the historical use of the site for non-residential use. The Board also recognizes an exceptional situation regarding the zoning history of the site. The structure was developed and used for commercial purposes for approximately 80 years. Since the use intervening between the funeral home and the barber shop, both commercial operations, was a church, a residential operation, the applicants are unable to seek their zoning relief through a special exception to change a non-conforming use. Instead the relief is through a use variance, a much more onerous burden. The Board concludes that the applicants have met the burden of proof necessary for the granting of the use variance. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

Accordingly it is ORDERED that the application is GRANTED:

VOTE: 4-0 (Charles R. Norris, Carrie L. Thornhill, Paula L. Jewell and William F. McIntosh to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: AUG 7 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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